

Commissioner Deborah A. Gist's Weekly Field Memo
Friday, October 30th, 2009

From the Department of Elementary and Secondary Education (RIDE):

Commissioner Gist's Survey on [Performance Evaluations](#) –
Response requested

Information from Commissioner Gist on [H1N1 flu](#): Policies on school absences

District Reports on [Personal Literacy Plans](#) due in December -
Response required

Guidance about accounting and reporting of [State Fiscal Stabilization Funds](#)

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Other:

[Furniture](#) donation from Blue Cross & Blue Shield of Rhode Island

From RIDE:

Commissioner Gist's Survey on Performance Evaluations

As I'm sure you know, the staff at RIDE has been actively engaged in developing the action agenda for transforming Rhode Island education. We will use this agenda to guide our work over the next few years, to hold each of us, including me, accountable, and to build a framework for our application for Race to the Top funds and for other grants as well.

As we develop our action agenda, I will seek information and feedback from all districts to help us understand district needs and capacities. We are in the process of scheduling regional forums on the Race to the Top application, the first of which will be held on November 9th, at 6 p.m., in the East Bay Educational Collaborative. I will provide you with further information when our schedule is complete. I encourage you and your staff members to join me at these forums.

I will also, from time to time, ask for your feedback through a survey regarding a specific area of your work. Today, I have posted a survey regarding performance evaluations, which I hope that you can respond to by next Friday.

I understand that all of you are working very hard juggling several priorities, and I will make every effort to ensure that we minimize the number of requests coming to you.

Thank you for your ongoing commitment to advancing learning for all students in Rhode Island.

Click on link below to view the Commissioner's survey to districts regarding Performance Evaluations. Please provide responses by Friday, November 6th, 2009.

http://www.surveymonkey.com/s.aspx?sm=tP3CgUSjIQQuzByWSZwDkQ_3d_3d

Information from Commissioner Gist on H1N1 flu: Policies on school absences

I want to thank you very much for your cooperation and hard work regarding the H1N1 vaccination clinics and the daily attendance reports. The information from these reports has been very useful to our colleagues at the Department of Health as they work to monitor the course of the disease in Rhode Island.

On Monday morning, we will begin to post these daily attendance reports on the RIDE Web site. We will remove from the published reports information about any school with a population of fewer than 10 students. We are posting this information in part to respond to media requests, and with the cooperation and encouragement of both the Governor's office and the Department of Health.

I am aware that some districts have policies that penalize students for school absences by reducing grades or by other measures. In some cases, districts require students to produce a doctor's note to avoid penalties for absenteeism. **I request that you suspend these policies during the current flu season.** We must encourage

students to stay home from school when they are ill, and doctors' offices do not have the capacity to produce notes for all absent students.

District Reports on Personal Literacy Plans due in December

Please see the following message from the RIDE Office of Instruction, Assessment, and Accountability:

The **District PLP Report is due to RIDE on December 1, 2009**. In accordance with the PLP Guidelines, data for **all** students in grades **K-12** needs to be reported on the District PLP Report. Please review your assessment timelines within your LEA so you will be able to meet the state reporting date.

All LEAs must submit their **District Report** form **electronically** utilizing the RIDE Excel document (http://www.ride.ri.gov/instruction/DOCS/documents/PLP_Reports/PLP_District_Report_Form_2009.xls).

The District Report continues to reflect the updated Secondary Regulations. The extra column is provided for grades 6-12 to report the number of students reading less than 1 year below grade level. These students according to the revised regulations do not need a PLP. However, the district is still responsible to account for the students.

Please note, the last column within the District Report form asks the LEA to report on the previous year's students who no longer needed a PLP by the end of the 08-09 school year. This column refers to data from last year and should be

reported as such. For example: If 9 Kindergarten students were discontinued from PLPs by June 09. The number 9 should be listed in the K cell for that column even though the students are currently enrolled in Grade 1.

Please submit your District Report electronically by December 1, 2009 to: diane.girard@ride.ri.gov.

If you have any questions, please contact Diane Girard at diane.girard@ride.ri.gov

Thank you for your continued support and effort in helping all of our students.

We will also send this message to all curriculum directors.

Guidance about accounting and reporting of State Fiscal Stabilization Funds

Please see the following memorandum from regarding accounting and reporting of State Fiscal Stabilization Funds:

This memorandum is issued in accordance with the Commissioner's authority "to interpret school law," (R.I.G.L. § 16-60-9 (viii)) whether state or federal in origin, as well as the Commissioner's authority "to require the observance of all laws relating to elementary and secondary education" as provided for in RIGL § 16-60-6 (9) (viii) and R.I.G.L. § 16-60-6 (9) (vii). The purpose of this memorandum is to provide guidance concerning the representation of State Fiscal Stabilization Funding (SFSF) when determining total local education budgets. Federal law in this area is governed by

the American Recovery and Reinvestment Act of 2009 (ARRA) statute and under Rhode Island law is primarily governed by R.I.G.L. § 45-12-22.2. The recent influx of federal funds pursuant to the ARRA and the Appropriations Act for Fiscal Year Ending June 30, 2010 necessitates this legal advisory opinion.

When considering the accounting and reporting of total local education revenues, it is important to note that the town treasurer is required to receive all state and local appropriations for public schools and that the town treasurer must, "keep a separate accounting of all money appropriated by the state or town or otherwise for public schools in the town, and shall pay the money to the order of the school committee...." (R.I.G.L. § 16-9-1) [Emphasis added]. Rhode Island law further requires that, before July 10th of each year, the town treasurer must "submit to the school committee a statement of all money applicable to the support of public schools for the current school year, specifying the sources of the money." (R.I.G.L. § 16-9-2).

The town treasurer is required to place local, state, and federal funds appropriated for school purposes into a separate school account and from this account the town treasurer must "pay the money to the order of the school committee...." (R.I.G.L. 16-9-1). At R.I.G.L. § 16-7-28 the law states as follows: "The communities shall provide for the keeping of separate revenue and expenditure records for all school purposes including capital expenditures on any forms and in any manner that the commissioner of elementary and secondary education may provide." It follows from the above that federal money received in support of public

education must be placed in each community's separate school account.

Federal Educational Stabilization Funds

The Office of the Governor has awarded Educational Stabilization Fund to local school districts, to charter schools, and to public institutions of higher learning. Still, of course, these federal funds have gone through the General Assembly's budgetary appropriation process:

R.I.G.L. 42-41-5. -- Legislative appropriation authority and delegation thereof.

– *** (b) No state agency may make expenditures of any federal monies, whether such monies are advanced prior to expenditure or as reimbursement, unless such expenditures are made pursuant to specific appropriations of the general assembly.

In regard to elementary and secondary education, the purpose of the Educational Stabilization Fund is to encourage school improvement while helping the state, “to restore fully the levels of State support for elementary and secondary education...” (Emphasis added) Local school districts may use Educational Stabilization Funds to support activities in five areas:

- The Elementary and Secondary Education Act of 1965 (ESEA)
- The Individuals with Disabilities Education Act (IDEA)
- The Adult Education and Family Literacy Act (AEFLA)
- The Carl D. Perkins Career and Technical Education Act of 2006 (Perkins Act)
- The “modernization, renovation, or repair of public school facilities, including modernization, renovation, or repairs that are consistent with a recognized green building rating system.” (Funds cannot be used to pay

maintenance costs, repair athletic facilities, repair or upgrade vehicles, repair central office buildings or non-educational support buildings.)

Due to the precipitous drop in state revenues in FY 2009 and the fact that further reductions in revenues were projected for FY 2010, the projected state deficit increased significantly. The Governor proposed and the General Assembly enacted a reduction in state education aid for FY 2009 and FY 2010 to balance the state budget. In order to sustain education services and to retain jobs, the General Assembly, through Articles 3 and 4 of Chapter 68 of the Public Laws of 2009 partially replaced state education aid with ARRA SFSF. Articles 3 and 4 of Chapter 68 of the Public Laws of 2009 list each local education agency's (LEA) reduced state education aid along with a corresponding allocation of augmenting SFSF as a partial offset to these reductions.

It is clear that the intent of the General Assembly, as expressed through its statutory budget appropriation, is that the SFSF is to be considered an integral component of the Assembly's annual appropriation of education operations aid and that SFSF must be combined with the state education aid number for the purposes of municipal reporting for total state contributions for education. That is to say, the General Assembly has appropriated both state funds and SFSF as state educational operations aid. Although these SFSF funds must still be specially tracked for federal reporting purposes, these funds are now functionally equivalent to state school operations aid and must be accounted for as such.

Monitoring of financial operations – Corrective action

R.I.G. L. § 45-12-22.2 states the following: (a) The chief financial officer of each municipality and each school district within the state shall continuously monitor their financial operations by tracking actual versus budgeted revenue and expense.

(b) The chief financial officer of the municipality shall submit a report on a monthly basis to the municipality's chief executive officer, each member of the city or town council, and school district committee certifying the status of the municipal budget including the school department budget or regional school district. The chief financial officer of the municipality shall also submit a report on a quarterly basis to the division of property valuation certifying the status of the municipal budget. The chief financial officer of the school department or school district shall certify the status of the school district's budget and shall assist in the preparation of these reports. The monthly and quarterly reports shall be in a format prescribed by the division of property valuation and the state auditor general. The reports shall contain a statement as to whether any actual or projected shortfalls in budget line items are expected to result in a year-end deficit, the projected impact on year-end financial results including all accruals and encumbrances, and how the municipality and school district plans to address any such shortfalls.

When submitting the above reports, both state education aid and SFSF are combined representing the state's commitment to education.

In addition, municipal budgets, ordinances, etc. should be represented consistent with this guidance.

The Division of Municipal Finance will be providing guidance and a revised reporting form to assure consistency in municipal reporting.

RIDE will send this memorandum to all school business managers.

Information on legal issues regarding the education of undocumented children

Here is a link to a recent publication from the National School Boards Association and the National Education Association regarding legal challenges school districts may encounter regarding the provision of services for undocumented children and youth. I encourage you to read this document:

<http://www.nsba.org/SecondaryMenu/COSA/Search/AllCOSAdocuments/Undocumented-Children.aspx>

The RIDE Office for Diverse Learners will send this information to all ELL directors and directors of special education.

From the Department of Health:

Information on Vaccination Clinics and H1N1 flu

Minutes of weekly school leadership H1N1 conference call

The Department of Health will post the minutes of its most recent weekly school leadership conference call on H1N1 virus on its Web site:

<http://www.health.ri.gov/news/H1N1Advisories/schoolleadershipcall/1028.pdf>

H1N1 Updated Information

- School Vaccination Consent Letter [English](#) | [Spanish](#) | [Portuguese](#)
- H1N1 Influenza Vaccine Consent Form [English](#) | [Spanish](#) | [Portuguese](#)
- H1N1 Vaccine Information Statement [English](#) | [Spanish](#) | [Portuguese](#)

- [Letter to School Leaders about the School H1N1 Clinic Schedule](#)
- [H1N1 School-Based Clinic Schedule By Vaccination Date | By City/Town](#)
- ♦ [Important Reminders About School Based Vaccination Clinics](#)

Please check the HEALTH website regularly for the most recent H1N1 information at:

<http://www.health.ri.gov/flu/for/schools>

For additional questions, call the H1N1 Information Line (M-F 8:30am- 4:30pm) 401-222-8022

Other:

Furniture donation from Blue Cross & Blue Shield of Rhode Island

Please see the following notice from our friends at Blue Cross & Blue Shield of Rhode Island:

As you may have heard, Blue Cross & Blue Shield of RI has moved to a new LEED certified building at 500 Exchange Place in downtown Providence. As a result of the move, we are donating much of the gently used furniture to our nonprofit partners and friends. Over 1,000 cubical and office stations are available. The project is being managed by a company called greenGoat which has created a website with some photos of what is available. Please click here to see a sample of the office furniture inventory:

<http://greengoat-us.spaces.live.com/>

If you are interested in 'ordering' some items, please contact Amy Bauman right away. We are on a very tight timeframe.

CONTACT: Amy Bauman
abauman@greengoat.org
617-666-5253

All items for your 'order' will be packed up and brought to a loading dock for you to pick up on a specific date, so you will need to have someone who can pick them up and, in some cases reassemble them on the other end.

Feel free to forward this information to your other friends in the nonprofit community. We hope to find some new homes for all of the available items and only have until the end of December to do it. I appreciate your assistance in spreading the news.

Thank you.